

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1-4 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-11 are pending and under consideration. Claims 5-11 have been allowed. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendment of claim 1 puts this application into condition for allowance as suggested by the Examiner;

(b) the amendment was not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendment of claim 1 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(d) the amendment does not significantly alter the scope of the claims and places the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, numbered paragraph 2, claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Kudou et al. (USPN 5,173,626). This rejection is traversed and reconsideration is requested.

It is respectfully submitted that Koudou et al. recites in col. 4, lines 9-10, that "... the **multiplexer 23 is selected to provide the F/F with data D**, thereby achieving a normal operation" and in col. 4, lines 11-13, that: "...the **multiplexer 24 is selected to provide the F/F with test data S**, thereby achieving a test" (emphasis added). As may be seen from FIG. 4, multiplexer 23 and multiplexer 24 are arranged to **input the data D and the test data S at the same node** (numbered 100 in red for the Examiner's convenience in the attached enclosure of FIG. 4 of Kudou et al.) of the F/F.

Claim 1 has been amended for clarity to recite: "A latch circuit comprising: four or more inverters connected to one another at nodes in a loop to hold a signal; and a plurality of input terminals respectively connected to different nodes, wherein at least one input terminal is used for normal operation of the latch circuit, and at least another different input terminal is used for a test operation of the latch circuit."

Thus, it is clear that amended claim 1 of the presesnt claimed invention discloses a structure wherein **one node is utilized for inputting normal data input for normal operation and another different node is utilized for inputting test data for testing**, which is not taught or suggested by Kudou et al.

Thus, amended claim 1 is not anticipated under 35 U.S.C. §102(b) by Kudou et al. (USPN 5,173,626).

Claims 2-4 have been amended in similar fashion to claim 1. Since claims 2-4 have been amended in correspondence with the amendment of claim 1, claims 2-4 are submitted not to be anticipated under 35 U.S.C. §102(b) by Kudou et al. (USPN 5,173,626) for at least the reasons that amended claim 1 is submitted not to be anticipated under 35 U.S.C. §102(b) by Kudou et al. (USPN 5,173,626).

ALLOWED CLAIMS:

Claims 5-11 were allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding

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objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 3, 2005

By: Darleen J. Stockley
Darleen J. Stockley
Registration No. 34,257

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501